

## **II. THE LOBBY LAW**

### **IC 2-7-1**

#### **Chapter 1. Definitions**

##### **IC 2-7-1-1**

Sec. 1. "Activity report" means the activity report provided for by IC 2-7-3.

*As added by Acts 1981, P.L.9, SEC.1.*

##### **IC 2-7-1-1.5**

Sec. 1.5. The definitions in this chapter apply throughout this article.

*As added by P.L.1-1993, SEC.4.*

##### **IC 2-7-1-2**

Sec. 2. "Compensation" means anything of value given as payment for doing or refraining from doing an activity.

*As added by Acts 1981, P.L.9, SEC.1.*

##### **IC 2-7-1-3**

Sec. 3. "Expenditure" means any advance, conveyance, deposit, distribution, transfer of funds, loan, payment, honorarium, pledge, or subscription of money or anything of value, and any contract, agreement, promise, or other obligation, whether or not legally enforceable, to make an expenditure.

*As added by Acts 1981, P.L.9, SEC.1.*

##### **IC 2-7-1-4**

Sec. 4. (a) "Gift" means the voluntary transfer of anything of value without consideration.

(b) The term does not include any of the following:

(1) A gift received from a relative within the third degree of kinship of the person or of the person's spouse, or from the spouse of any such relative.

(2) A contribution (as defined in IC 3-5-2-15).

*As added by Acts 1981, P.L.9, SEC.1. Amended by P.L.9-1993, SEC.3.*

##### **IC 2-7-1-5**

Sec. 5. "Immediate family" means a spouse residing in the person's household and dependent children.

*As added by Acts 1981, P.L.9, SEC.1.*

##### **IC 2-7-1-6**

Sec. 6. "Influencing legislative action" means promoting, supporting, influencing, modifying, opposing, or delaying any legislative action by any

means.

*As added by Acts 1981, P.L.9, SEC.1.*

##### **IC 2-7-1-7**

Sec. 7. "Legislative action" means any matter within the authority of the general assembly; it includes the drafting, introduction, consideration, modification, enactment, or defeat of any bill, resolution, amendment, report, or other matter by the general assembly or by either house or any committee, subcommittee, joint or select committee thereof, or by a member or employee of the general assembly acting in his official capacity. "Legislative action" also means the action of the governor in approving or vetoing any bill.

*As added by Acts 1981, P.L.9, SEC.1.*

##### **IC 2-7-1-8**

Sec. 8. "Legislative official" means a member of the general assembly, or any employee or paid consultant of the general assembly, or an agency of the general assembly.

*As added by Acts 1981, P.L.9, SEC.1.*

**IC 2-7-1-9**

Sec. 9. "Lobbying" means communicating by any means, or paying others to communicate by any means, with any legislative official with the purpose of influencing any legislative action.

*As added by Acts 1981, P.L.9, SEC.1.*

**IC 2-7-1-10**

Sec. 10. "Lobbyist" means any person who:

(1) engages in lobbying; and

(2) in any registration year, receives or expends an aggregate of five hundred dollars (\$500) in compensation or expenditures reportable under this article for lobbying, whether the compensation or expenditure is solely for lobbying or the lobbying is incidental to that individual's regular employment.

*As added by Acts 1981, P.L.9, SEC.1. Amended by P.L.9-1993, SEC.4.*

**IC 2-7-1-11**

Sec. 11. (a) "Payment" means a payment, compensation, reimbursement, distribution, transfer, loan, advance, conveyance, deposit, gift, pledge, subscription, or other rendering of money, property, services, or anything else of value, whether tangible or intangible, and any contract, agreement, promise, or other obligation, whether or not legally enforceable, to make a payment.

(b) "Paid" means that payment has been made.

(c) "Pay" means the act of making a payment.

*As added by Acts 1981, P.L.9, SEC.1.*

**IC 2-7-1-12**

Sec. 12. "Person" means a human being, corporation, limited liability company, partnership, association, firm, or educational institution.

*As added by Acts 1981, P.L.9, SEC.1. Amended by P.L.8-1993, SEC.3.*

**IC 2-7-1-13**

Sec. 13. "Public employee" means an employee of the state or

federal government or a political subdivision of either of those governments and does include an official or employee of any university, college or other educational institution, presently existing or hereafter established in Indiana, for the purpose of providing programs of collegiate or university education or other post-high school education and which is supported in whole or in part by appropriations made by the general assembly.

*As added by Acts 1981, P.L.9, SEC.1.*

**IC 2-7-1-14**

Sec. 14. "Public official" means an individual who holds office in the executive, judicial, or legislative branch of the state or federal government or a political subdivision of either of those governments and includes an official or employee of any university, college or other educational institution, presently existing or hereafter established in Indiana, for the purpose of providing programs of collegiate or university education or other post-high school education and which is supported in whole or in part by appropriations made by the general assembly.

*As added by Acts 1981, P.L.9, SEC.1.*

**IC 2-7-1-15**

Sec. 15. "Registrant" means a person who is required to register under IC 2-7-2-1.

*As added by Acts 1981, P.L.9, SEC.1.*

**IC 2-7-1-16**

Sec. 16. "Registration statement" means the registration statement provided for by IC 2-7-2.

*As added by Acts 1981, P.L.9, SEC.1.*

**IC 2-7-1-17**

Sec. 17. "Commission" refers to the Indiana lobby registration commission established by IC 2-7-1.6.  
*As added by Acts 1981, P.L.9, SEC.1. Amended by P.L.3-1992, SEC.5; P.L.9-1993, SEC.5.*

#### **IC 2-7-1.6**

##### **Chapter 1.6. Indiana Lobby Registration Commission**

#### **IC 2-7-1.6-1**

Sec. 1. (a) The Indiana lobby registration commission is established.  
(b) The commission is a separate and an independent agency within the legislative branch of state government.  
(c) The commission shall administer this article.  
*As added by P.L.3-1992, SEC.6. Amended by P.L.9-1993, SEC.6.*

#### **IC 2-7-1.6-2**

Sec. 2. (a) The commission consists of four (4) members. The president pro tempore of the senate, the minority floor leader of the senate, the speaker of the house of representatives, and the minority floor leader of the house of representatives shall each appoint one (1) member.  
(b) Not more than two (2) of the four (4) members may hold the same political affiliation.  
(c) An incumbent legislator or lobbyist may not be appointed as a member of the commission.  
*As added by P.L.3-1992, SEC.6.*

#### **IC 2-7-1.6-3**

Sec. 3. (a) Each member of the commission serves for a term of four (4) years, beginning January 1.  
(b) Members of the commission may be reappointed to successive terms.  
(c) The appropriate appointing authority shall fill a vacancy on the commission for the duration of the unexpired term.  
*As added by P.L.3-1992, SEC.6.*

#### **IC 2-7-1.6-4**

Sec. 4. A chairman shall be selected for the commission to serve for a term of one (1) year. The chairman's term begins January 1. The chairman to serve in even-numbered years shall be designated by the president pro tempore of the senate, and the chairman to serve in odd-numbered years shall be designated by the speaker of the house of representatives.  
*As added by P.L.3-1992, SEC.6.*

#### **IC 2-7-1.6-5**

Sec. 5. (a) The commission has the powers and duties specified in this article.  
(b) The commission may do the following:  
(1) Hold meetings as necessary.  
(2) Make recommendations to the general assembly concerning administration of this article.  
(3) Subject to IC 2-7-7, receive and hear any complaint alleging a violation of this article.  
(4) Obtain information relevant to an audit conducted or a complaint filed under this article.  
(5) Administer oaths.  
(6) Act as an advisory body by providing advisory opinions to lobbyists on questions relating to the requirements of this article.  
(7) Establish qualifications for and employ the personnel required to implement this article.  
(8) Adopt rules and procedures necessary or appropriate to carry out its duties.  
(9) Make reasonable and necessary expenditures of money appropriated to the commission.  
(10) Do other things necessary and proper:  
(A) to implement this article; or  
(B) as requested by the general assembly or the legislative council.  
*As added by P.L.3-1992, SEC.6. Amended by P.L.9-1993, SEC.7.*

#### **IC 2-7-1.6-6**

Sec. 6. The vote of at least three (3) members is required for the commission to take official action.  
*As added by P.L.3-1992, SEC.6.*

#### **IC 2-7-1.6-7**

Sec. 7. When the commission meets, each member is entitled to receive the same per diem, mileage, and travel allowances approved by the legislative council for lay members serving on interim study committees established by the legislative council.

*As added by P.L.3-1992, SEC.6.*

#### **IC 2-7-1.6-8**

*(Repealed by P.L.9-1993, SEC.18.)*

#### **IC 2-7-1.6-9**

Sec. 9. Nothing in this chapter affects the committees established under IC 2-2.1-3-5.  
*As added by P.L.3-1992, SEC.6.*

### **IC 2-7-2**

#### **Chapter 2. Registration Statements**

#### **IC 2-7-2-1**

Sec. 1. (a) Each lobbyist shall file annually with the commission a registration statement under oath accompanied by the registration fee required by this section.

(b) Except as provided in subsection (c), the registration fee is one hundred dollars (\$100).

(c) The registration fee of a lobbyist that satisfies either of the following is fifty dollars (\$50):

(1) The lobbyist is a nonprofit organization exempt from federal income taxation under Section 501(c)(3) or 501(c)(4) of the Internal Revenue Code.

(2) The lobbyist:

(A) is an employee of a lobbyist described in subdivision (1); and

(B) performs lobbying services for the employer as part of the lobbyist's salaried responsibilities.

*As added by Acts 1981, P.L.9, SEC.1. Amended by Acts 1982, P.L.9, SEC.1; P.L.3-1992, SEC.7; P.L.9-1993, SEC.8.*

#### **IC 2-7-2-2**

Sec. 2. (a) Each registration statement shall be filed not later than January 15 or within fifteen (15) days after the registrant becomes a lobbyist, whichever is later. Each registration statement expires on December 31 of the year for which it was issued. The commission may accept registration statements before January 1 of the year to which they apply, as the commission determines.

(b) Subject to subsections (c) and (d), the commission shall impose a late registration fee of ten dollars (\$10) per day for each day after the deadline until the statement is filed.

(c) The late registration fee shall not exceed one hundred dollars (\$100).

(d) The commission may waive the late registration fee if the commission determines that the circumstances make imposition of the fee inappropriate.

*As added by Acts 1981, P.L.9, SEC.1. Amended by P.L.3-1992, SEC.8; P.L.9-1993, SEC.9.*

#### **IC 2-7-2-3**

Sec. 3. The registration statement of each lobbyist who is compensated for lobbying shall include:

(1) his name, social security number, residence address and telephone number, business address and telephone

number, and the addresses and telephone numbers of any temporary living or business quarters he has in Marion County;

(2) the name, business address, telephone number, and kind of business of each person (including the names of each officer or partner) who compensates him;

(3) his primary occupation and the name or names of his employers if different than those specified in subdivision (2); and (4) the subject matter of his lobbying.

*As added by Acts 1981, P.L.9, SEC.1. Amended by Acts 1982, P.L.9, SEC.2; P.L.6-1987, SEC.1.*

#### **IC 2-7-2-4**

Sec. 4. The registration statement of each lobbyist who compensates a person for lobbying shall include:

- (1) his full name, business address and telephone number, kind of business, and the full name of the individual who controls the business, the partners, if any, and officers;
- (2) the full name, and business address and telephone number of each person compensated by him as a lobbyist;
- (3) the subject matter for which he has employed or contracted with a lobbyist.

*As added by Acts 1981, P.L.9, SEC.1.*

#### **IC 2-7-2-5**

Sec. 5. If a material change occurs in any of the information contained in a registration statement, an appropriate amendment shall be filed within fifteen (15) days after the change. Each registered lobbyist may file a notice of termination within fifteen (15) days after he ceases the activity which required his registration; however, this does not relieve him of the reporting requirements of IC 2-7-3.

*As added by Acts 1981, P.L.9, SEC.1. Amended by Acts 1982, P.L.9, SEC.3.*

#### **IC 2-7-2-6**

Sec. 6. (a) The provisions of this chapter and IC 2-7-3 are not applicable to any full-time or part-time public official acting in his official capacity or any full-time or part-time public employee in Indiana acting within the scope of his employment.

(b) The provisions of this chapter are not applicable to any newspaper or other periodical of general circulation, book publisher, news wire service, radio or television station (including any individual who owns, publishes, or is employed by any such newspaper or periodical, radio or television station) which in the ordinary course of business publishes news items, editorials, or other comments, or paid advertisement, which directly or indirectly urge legislative action if such newspaper, periodical, book publisher, radio or television station, or individual engages in no further or other activities in connection with urging legislative action other than to appear before a committee of the legislature in support of or in opposition to such action.

(c) The provisions of this chapter are not applicable to an individual invited, by any member of the general assembly, to testify before the general assembly or a legislative committee at the time the individual is testifying.

(d) The provisions of this chapter are not applicable to any officer or employee of the state central committee of a political party while acting within the scope of his employment.

(e) This chapter does not apply to a person whose lobbying services are performed without compensation.

(f) Notwithstanding the definition of "lobbying" as specified in IC 2-7-1-9, in no instance shall the language of this chapter be construed to prohibit in any way free and open communication between any citizen of this state and members of the general assembly.

(g) This article does not apply to:

- (1) an insurance policy;
- (2) a credit card agreement;
- (3) a recorded mortgage secured by real property; or
- (4) a written agreement with a financial institution (as defined in IC 28-1-1-3);

if the insurance policy, credit card, mortgage, or agreement was issued or made in the ordinary course of business.

(h) This article does not apply to compensation paid to the spouse of a legislator for goods or services provided by the spouse in the ordinary course of business to a lobbyist or a lobbyist's employer.

(i) The items to which this article does not apply under subsection (g) or (h) shall not be included in activity reports filed under IC 2-7-3-3.

*As added by Acts 1981, P.L.9, SEC.1. Amended by Acts 1982, P.L.9, SEC.4; P.L.3-1992, SEC.9; P.L.9-1993, SEC.10.*

#### **IC 2-7-3**

##### **Chapter 3. Activity Reports**

#### **IC 2-7-3-1**

Sec. 1. Each lobbyist shall file semiannually with the commission an activity report under oath. He shall file a separate activity report relating to each person from whom he receives payment for lobbying.

*As added by Acts 1981, P.L.9, SEC.1. Amended by P.L.3-1992, SEC.10.*

### **IC 2-7-3-2**

Sec. 2. (a) One (1) activity report shall be filed not later than July 31, covering the period from January 1 through June 30. The other activity report shall be filed not later than January 31, covering the period from July 1 through December 31 of the immediately preceding calendar year.

(b) Subject to subsections (c) and (d), the commission shall impose a penalty of ten dollars (\$10) per day for each day that the person fails to file any report required by this chapter until the report is filed.

(c) The penalty shall not exceed one hundred dollars (\$100) per report.

(d) The commission may waive the penalty if the commission determines that the circumstances make imposition of the penalty inappropriate.

*As added by Acts 1981, P.L.9, SEC.1. Amended by P.L.3-1992, SEC.11; P.L.9-1993, SEC.11.*

### **IC 2-7-3-3**

Sec. 3. (a) The activity reports of each lobbyist shall include the following:

(1) A complete and current statement of the information required to be supplied under IC 2-7-2-3 and IC 2-7-2-4.

(2) Total expenditures on lobbying (prorated, if necessary) broken down to include at least the following categories:

(A) Compensation to others who perform lobbying services.

(B) Reimbursement to others who perform lobbying services.

(C) Receptions.

(D) Entertainment, including meals. However, a function to which the entire general assembly is invited is not lobbying under this article.

(E) Gifts made to an employee of the general assembly or a member of the immediate family of an employee of the general assembly.

(3) A statement of expenditures and gifts that equal one hundred dollars (\$100) or more in one (1) day, or that together total more than five hundred dollars (\$500) during the calendar year, if the expenditures and gifts are made by the registrant or his agent to benefit:

(A) a member of the general assembly;

(B) an officer of the general assembly;

(C) an employee of the general assembly; or

(D) a member of the immediate family of anyone included in clause (A), (B),

or (C).

(4) Whenever a lobbyist makes an expenditure that is for the benefit of all of the members of the general assembly on a given occasion, the total amount expended shall be reported, but the lobbyist shall not prorate the expenditure among each member of the general assembly.

(5) A list of the general subject matter of each bill or resolution concerning which a lobbying effort was made within the registration period.

(6) The name of the beneficiary of each expenditure or gift made by the lobbyist or his agent that is required to be reported under subdivision (3).

(7) The name of each member of the general assembly from whom the lobbyist has received an affidavit required under IC 2-2.1-3-3.5.

(b) In the second semiannual report, when total amounts are required to be reported, totals shall be stated both for the period covered by the statement and for the entire reporting year.

(c) An amount reported under this section is not required to include the following:

(1) Overhead costs.

(2) Charges for any of the following:

(A) Postage.

(B) Express mail service.

(C) Stationery.

(D) Facsimile transmissions.

(E) Telephone calls.

(3) Expenditures for the personal services of clerical and other support staff persons who are not lobbyists.

(4) Expenditures for leasing or renting an office.

(5) Expenditures for lodging, meals, and other personal expenses of the lobbyist.

*As added by Acts 1981, P.L.9, SEC.1. Amended by Acts 1982, P.L.9, SEC.5; P.L.3-1992, SEC.12; P.L.9-1993, SEC.12.*

#### **IC 2-7-3-4**

Sec. 4. Each lobbyist shall obtain and preserve all documents necessary to substantiate the activity reports required under this chapter for four (4) years from the date of filing of the report containing these items. The lobbyist shall make these materials available for inspection upon request by the commission.

*As added by Acts 1981, P.L.9, SEC.1. Amended by P.L.3-1992, SEC.13.*

#### **IC 2-7-3-5**

Sec. 5. Every person who files a notice of termination as provided in IC 2-7-2-5 must file a termination report covering the semiannual reporting period or portion thereof immediately preceding the termination of his registration statement; such report shall contain the information required by section 3 of this

chapter.

*As added by Acts 1981, P.L.9, SEC.1.*

#### **IC 2-7-3-6**

Sec. 6. (a) A lobbyist shall file a written report with respect to a member of the general assembly whenever either of the following occurs:

(1) The lobbyist has made a purchase described in IC 2-2.1-3-2(a)(7) with respect to that member. This subdivision does not apply to purchases made after December 31, 1998, by a lobbyist from a legislator's retail business made in the ordinary course of business at prices that are available to the general public. For purposes of this subdivision, a legislator's business is considered a retail business if the business is a retail merchant as defined in IC 6-2.5-1-8.

(2) The lobbyist has made a gift described in IC 2-2.1-3-2(a)(8) to that member.

(b) A report required by subsection (a) must state the following:

(1) The name of the lobbyist.

(2) Whether the report covers a purchase described in IC 2-2.1-3-2(a)(7) or a gift described in IC 2-2.1-3-2(a)(8).

(c) A lobbyist shall file a copy of a report required by this section with both of the following:

(1) The commission.

(2) The member of the general assembly with respect to whom the report is made.

(d) A lobbyist shall file a report required by subsection (a) not more than thirty (30) days after making the purchase or giving the gift.

*As added by P.L.9-1993, SEC.13. Amended by P.L.2-1997, SEC.1; P.L.205-1999, SEC.7.*

#### **IC 2-7-4**

##### **Chapter 4. Duties of the Commission**

#### **IC 2-7-4-1**

Sec. 1. The commission shall prescribe forms for the registration statements, activity reports, and other documents required to be filed under this article and make the forms available to persons required to file the registration statements, activity reports, and other documents.

*As added by Acts 1981, P.L.9, SEC.1. Amended by P.L.3-1992, SEC.14; P.L.9-1993, SEC.14.*

#### **IC 2-7-4-2**

Sec. 2. The commission shall prepare and publish a manual setting forth recommended, uniform methods of reporting for use by persons required to file statements and reports under this article.

*As added by Acts 1981, P.L.9, SEC.1. Amended by P.L.3-1992, SEC.15.*

#### **IC 2-7-4-3**

Sec. 3. The commission shall make statements, reports, and other documents filed with the commission under this

article available for public inspection and copying during regular office hours and make copying facilities available to the public at a charge not to exceed actual cost.

*As added by Acts 1981, P.L.9, SEC.1. Amended by P.L.3-1992, SEC.16.*

#### **IC 2-7-4-4**

Sec. 4. The commission shall compile and maintain an index of all reports and statements filed with the commission under this article to facilitate public access to these reports and statements.

*As added by Acts 1981, P.L.9, SEC.1. Amended by P.L.3-1992, SEC.17.*

#### **IC 2-7-4-5**

Sec. 5. The commission shall prepare and publish annual summaries of statements and reports filed with the commission under this article.

*As added by Acts 1981, P.L.9, SEC.1. Amended by P.L.3-1992, SEC.18.*

#### **IC 2-7-4-6**

Sec. 6. (a) The commission shall inspect and audit at least five percent (5%) of all registration statements and reports filed with the commission under this chapter by requiring the registrant to produce verifying documents. The statements and reports inspected and audited shall be selected at random by a computer random number generator. Nothing in this chapter shall be construed as prohibiting the commission from inspecting and auditing any statement or report if the commission has reason to believe that a violation of this chapter may have occurred.

(b) Verifying documents under this section while in the possession of the commission are confidential.

*As added by Acts 1981, P.L.9, SEC.1. Amended by Acts 1982, P.L.9, SEC.6; P.L.19-1983, SEC.7; P.L.3-1992, SEC.19.*

#### **IC 2-7-4-7**

Sec. 7. The commission shall notify by certified mail, return receipt requested, persons required to file statements and reports under this article of any violations or errors discovered during inspections or audits conducted under section 6 of this chapter within thirty (30) days of the discovery of the errors or violations. The person required to file statements and reports under this article shall within thirty (30) days from receipt of notification file a corrected statement or report meeting all requirements set forth in this article. If no corrected statement or report is filed within thirty (30) days, or if violations remain following the filing of a corrected report or statement, then the commission shall forward to the prosecuting attorney of the applicable judicial circuit and to the attorney general reports of any violations. However, if the prosecutor has not initiated prosecution within sixty (60) days of receipt of such notice or within sixty (60) days of the written request for prosecution by the attorney general, the attorney general may prosecute on behalf of the state.

*As added by Acts 1981, P.L.9, SEC.1. Amended by P.L.6-1985, SEC.1; P.L.3-1992, SEC.20.*

#### **IC 2-7-4-8**

Sec. 8. The commission shall preserve statements and reports filed with the commission under this article for a period of four (4) years from the date of

receipt.

*As added by Acts 1981, P.L.9, SEC.1. Amended by P.L.3-1992, SEC.21.*

#### **IC 2-7-4-9**

Sec. 9. The commission has all powers necessary to accomplish the responsibilities assigned to the commission in this chapter.

*As added by Acts 1981, P.L.9, SEC.1. Amended by P.L.3-1992, SEC.22.*

### **IC 2-7-5**

#### **Chapter 5. Prohibitions**

#### **IC 2-7-5-1**

Sec. 1. It is unlawful for any legislative official to receive compensation or reimbursement other than from the state for personally engaging in lobbying.



*As added by Acts 1981, P.L.9, SEC.1.*

#### **IC 2-7-5-2**

Sec. 2. Subject to the provisions of IC 2-7-2-6(a), it is unlawful for any full-time public official or public employee in the state of Indiana, to receive compensation, other than the regular compensation of elected or appointed officials, for lobbying.

*As added by Acts 1981, P.L.9, SEC.1. Amended by Acts 1982, P.L.9, SEC.7.*

#### **IC 2-7-5-3**

Sec. 3. Subject to the provisions of IC 2-7-2-6(d), it is unlawful for any officer or employee of the state central committee of a political party to receive compensation, other than for the regular compensation of such officers and employees, for lobbying.

*As added by Acts 1981, P.L.9, SEC.1.*

#### **IC 2-7-5-4**

Sec. 4. No past member of the general assembly who is a lobbyist may be on the floor of either house while that house is in session.

*As added by Acts 1981, P.L.9, SEC.1.*

#### **IC 2-7-5-5**

Sec. 5. It is unlawful for any person to be a lobbyist for a compensation dependent upon the success of his lobbying efforts, or upon any contingency connected with the administrative action or legislative action.

*As added by Acts 1981, P.L.9, SEC.1.*

#### **IC 2-7-5-6**

Sec. 6. The following persons may not be registered as a lobbyist under this article:

(1) Any individual convicted of a felony for violating any law while the individual was an officer or employee of any agency of state government or a unit of local government.

(2) Any person convicted of a felony relating to lobbying.

(3) Any person convicted of a felony and who:

(A) is in prison;

(B) is on probation; or

(C) has been in prison or on probation within the immediate past one (1) year.

(4) Any person whose:

(A) statement or report required to be filed under this article was found to be materially incorrect as a result of a determination under IC 2-7-6-5; and

(B) who has not filed a corrected statement or report for that year when requested to do so by the commission.

(5) Any person who has failed to pay a civil penalty assessed under IC 2-7-6-5.

(6) Any person who is on the most recent tax warrant list supplied to the commission by the department of state revenue until:

(A) the person provides a statement to the commission indicating that the person's delinquent tax liability has been satisfied; or

(B) the commission receives a notice from the commissioner of the department of state revenue under IC 6-8.1-8-2(k).

*As added by Acts 1981, P.L.9, SEC.1. Amended by P.L.6-1985, SEC.2; P.L.6-1987, SEC.2; P.L.332-1989(ss), SEC.1; P.L.3-1992, SEC.23.*

#### **IC 2-7-6**

##### **Chapter 6. Enforcement**

#### **IC 2-7-6-1**

Sec. 1. The attorney general and the applicable prosecuting attorney jointly or severally are responsible for investigating alleged or suspected violations and enforcing the provisions of this article and, in addition to the

powers heretofore granted him by law, the attorney general has the powers of the prosecuting attorney of each county for the purpose of enforcing the provisions of this article.

*As added by Acts 1981, P.L.9, SEC.1.*

#### **IC 2-7-6-2**

Sec. 2. (a) Any person who knowingly or intentionally violates any provision of IC 2-7-2, IC 2-7-3, or IC 2-7-5 commits unlawful lobbying, a Class D felony. In addition to any penalty imposed on the defendant under IC 35-50-2-7 for unlawful lobbying, the court may order the defendant not to engage in lobbying for a period of up to ten (10) years, IC 2-7-5-6 notwithstanding.

(b) Any person who lobbies in contravention of a court order under subsection (a) of this section commits a Class D felony.

*As added by Acts 1981, P.L.9, SEC.1.*

#### **IC 2-7-6-3**

Sec. 3. Whoever knowingly or intentionally makes a false report under this chapter that overstates or understates the amount of any or all expenditures or gifts commits a Class D felony.

*As added by Acts 1981, P.L.9, SEC.1. Amended by P.L.9-1993, SEC.15.*

#### **IC 2-7-6-4**

Sec. 4. A member of the general assembly who knowingly or intentionally conspires with a lobbyist in the violation of section 2 or section 3 of this chapter commits a Class D felony.

*As added by Acts 1981, P.L.9, SEC.1.*

#### **IC 2-7-6-5**

Sec. 5. (a) If the commission after a hearing conducted under IC 4-21.5-3 finds

that:

(1) a statement or report required to be filed under this article was materially incorrect;

(2) the person filing the report was requested to file a corrected statement or report; and

(3) a corrected statement or report has not been filed;

the commission may invoke sanctions under subsection (b).

(b) If under subsection (a) the commission is authorized to invoke sanctions under this subsection, the commission may do either or both of the following:

(1) Revoke the registration of the person who has failed to file a corrected statement or report.

(2) Assess a civil penalty on that person in an amount not to exceed five hundred dollars (\$500). *As added by P.L.6-1985, SEC.3. Amended by P.L.7-1987, SEC.1; P.L.3-1992, SEC.24.*

#### **IC 2-7-6-6**

Sec. 6. (a) The commission may impose either or both of the following sanctions if, after a hearing under IC 4-21.5-3, the commission finds that a lobbyist failed to file a report with a member of the general assembly required by IC 2-7-3-6:

(1) Revoke the registration of the lobbyist.

(2) Assess a civil penalty against the lobbyist. A civil penalty assessed under this subdivision may not be more than five hundred dollars (\$500).

(b) In imposing sanctions under subsection (a), the commission shall consider the following:

(1) Whether the failure to file the report was willful or negligent.

(2) Any mitigating circumstances.

*As added by P.L.9-1993, SEC.16.*

#### **IC 2-7-7**

### **Chapter 7. Commission Investigations and Hearings**

#### **IC 2-7-7-1**

Sec. 1. The commission shall conduct an investigation under this chapter of a complaint alleging a violation of this article.  
*As added by P.L.9-1993, SEC.17.*

#### **IC 2-7-7-2**

Sec. 2. A complaint must be in writing and be signed by the individual making the complaint.  
*As added by P.L.9-1993, SEC.17.*

#### **IC 2-7-7-3**

Sec. 3. When a complaint is filed, the commission shall promptly send a copy of the complaint to the person alleged to have committed the violation of this article.  
*As added by P.L.9-1993, SEC.17.*

#### **IC 2-7-7-4**

Sec. 4. If the commission determines the complaint does not allege facts sufficient to constitute a violation of this article, the commission shall do both of the following:  
(1) Dismiss the complaint.  
(2) Notify the complainant and the respondent of the commission's action.  
*As added by P.L.9-1993, SEC.17.*

#### **IC 2-7-7-5**

Sec. 5. (a) If the commission determines the complaint does allege facts sufficient to constitute a violation of this article, the commission shall promptly investigate the allegation.  
(b) If after a preliminary investigation the commission finds that probable cause does not exist to support an allegation of a violation of this article, the commission shall do the following:  
(1) Dismiss the complaint.  
(2) Notify the complainant and the respondent of the commission's action.  
(c) If the commission finds that probable cause exists to support an allegation of a violation of this article, the commission shall hold a hearing on the matter not more than thirty (30) days after making the determination. IC 4-21.5 applies to a hearing held under this subsection.  
*As added by P.L.9-1993, SEC.17.*

#### **IC 2-7-7-6**

Sec. 6. The commission may meet in executive session to do either of the following:  
(1) Make a determination under section 4 of this chapter.  
(2) Investigate a complaint under section 5 of this chapter.  
*As added by P.L.9-1993, SEC.17.*

#### **IC 2-7-7-7**

Sec. 7. The following matters are confidential:  
(1) Action of the commission and records relating to those actions under section 4 of this chapter.  
(2) Investigations and records relating to a preliminary investigation under section 5 of this chapter.  
*As added by P.L.9-1993, SEC.17.*

#### **IC 2-7-7-8**

Sec. 8. (a) Upon the affirmative vote of three (3) members of the commission, the commission may request from the legislative council the authority to compel either or both of the following by subpoena:  
(1) The attendance and testimony of witnesses.  
(2) The production of documents.  
(b) If the legislative council authorizes the commission to issue subpoenas after a request under subsection (a), the circuit or superior court of the county where a subpoena is to be served shall enforce the subpoena.  
*As added by P.L.9-1993, SEC.17.*